

COMMONWEALTH OF KENTUCKY
OWEN COUNTY
ORDINANCE #144

AN ORDINANCE PROHIBITING ELECTIONEERING WITHIN A DISTANCE OF THREE HUNDRED (300) FEET OF THE MAIN ENTRANCE TO A BUILDING USED BY VOTERS IN WHICH A VOTING MACHINE IS LOCATED PROVIDED THAT NOTHING IN THIS SECTION SHALL PROHIBIT ELECTIONEERING WITHIN A PRIVATE RESIDENCE OR BUSINESS ESTABLISHMENT OTHER THAN THAT IN WHICH THE POLLING PLACE IS LOCATED BY PERSONS HAVING AN OWNERSHIP OR LEASED INTEREST IN SUCH PROPERTY.

WHEREAS, the Owen County Fiscal Court has a compelling interest in protecting the right of every citizen voter to vote freely for the candidates of their choice;

WHEREAS, the Owen County Fiscal Court has a compelling interest in protecting the integrity and reliability of elections and;

WHEREAS, the Owen County Fiscal Court has no existing valid prohibition of electioneering and;

WHEREAS, a widespread and time tested consensus demonstrates that some restricted zone is necessary in order to serve the County's compelling interests in preventing voter intimidation and election fraud.

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF OWEN COUNTY, KENTUCKY:

Section I:

To fulfill the government's obligation to protect voter and the integrity of the election process from actual or attempted fraud, from obstruction; from intimidation real or inferred, from attempted or actual vote buying, from invasion of privacy, from harassment real, threatened or implied, from hindrance or delay all done under the guise of electioneering, a electioneering free zone is established within three hundred (300) feet of the entrance to any building containing a polling place on any Election Day.

No person shall, on the day of any election as established in KRS 118.025, do any electioneering at the polling place or within a distance of three hundred (300) feet of the main entrance of a building used by voters in which a voting machine is located on Election Day.

No person shall, on the day of any election as established in KRS 118.025 intentionally invade the right of privacy of any person on his or her way to vote, or cause interference, harassment, or alarm to any person on his or her way to vote.

No person shall loiter or congregate in, or hinder or delay a voter, or solicit, or attempt to influence any voter in casting his vote within this three hundred (300) foot campaign free zone.

Electioneering shall include the displaying of signs, the distribution of campaign literature, cards. Or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any political party, candidate or questions on the ballot of any manner.

Nothing contained in this section shall prohibit electioneering conducted within the interior of a private residence or business establishment by persons having a leased or ownership interest in such property, within the campaign free zone, provided that all electioneering activities are confined to the interior of the buildings and cannot be heard or observed by any voters going to the polling place.

Nothing in this section shall prohibit the displaying of political signs on private property or private establishment by a person having a leased or ownership interest in that private property or private establishment within the campaign free zone, regardless of the distance from the polling place provided that the sign is not accompanied by a person and does not emit any sound and is not audio-visual or mechanical and no larger than four (4) square feet in size.

Section II:

Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce this Ordinance at the polls within three hundred (300) feet of the main entrance to the building used by voters in which the voting machine is located. Assistance may be requested of any law enforcement officer.

Section III:

Any property used for a polling location on Election Day shall not be considered a public place in any manner for public discourse. The grounds, buildings, sidewalks and parking lots at all polling locations are designated non-public forums for the Election Day.

Section IV:

Violators of any provision of this ordinance shall be guilty of a Class A Misdemeanor under the laws of the Commonwealth of Kentucky and shall be fined up to Five hundred Dollars (\$500.00) and/or up to one year in the county jail per violation.

That this Ordinance shall become effective upon its passage.

Given first reading on the 12th day of October, 2004.

Published in the Owen County News Herald on the 20th day of October, 2004.

Given second reading, passed adopted and approved by the Owen County Fiscal Court Fiscal Court of Owen County, Kentucky, upon motion of Magistrate Carl Banks, second by Magistrate Bobby Gaines, at a duly convened meeting thereof held on the 25th day of October, 2004. with ye and nay votes as follows:

Eugene Vannarsdall	absent
Bobby Gaines	yea
Carl Banks	yea
Dr. Gary Minch	absent
Judge O'Banion	yea

William P. O'Banion
County Judge/Executive

ATTEST:

Mary K. Duncan